

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RONALD ERWIN,

Plaintiff,

-against-

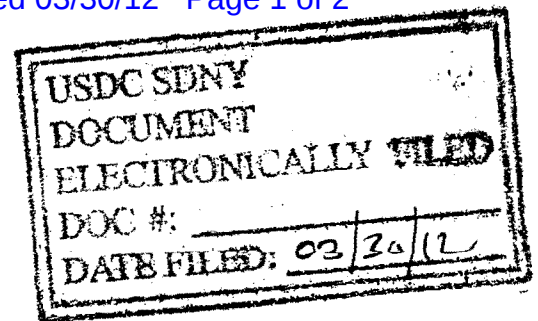
NYC DEPT. OF CORRECTION, ET AL.,

Defendants.
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DEBORAH A. BATTS, United States District Judge.

This matter is before the Court upon the December 30, 2011 Report and Recommendation of United States Magistrate Judge James C. Francis ("Report"). Judge Francis' Report recommends that Plaintiff's Complaint be DISMISSED WITHOUT PREJUDICE pursuant to Rule 4(m) of the Federal Rules of Civil Procedure. (Report, 1-2.)

"Within fourteen days after being served with a copy [of a Magistrate Judge's Report and Recommendation], a party may serve and file specific written objections to the proposed findings and recommendations." Fed. R. Civ. P. 72(b)(2); accord 28 U.S.C. § 636(b)(1)(C). The district court may adopt those portions of the report to which no timely objection has been made, so long as there is no clear error on the face of the record. Wilds v. United Parcel Serv., Inc., 262 F.Supp.2d 163, 169 (S.D.N.Y. 2003). "[F]ailure to object timely to a magistrate's report operates as a waiver of any further judicial review of the magistrate's decision." Caidor v. Onondaga County, 517 F.3d 601,



11 Civ. 2692 (DAB)
ADOPTION OF REPORT
AND RECOMMENDATION

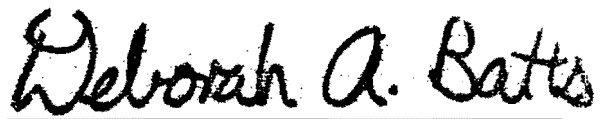
604 (2d Cir. 2008) (quoting Small v. Sec. of HHS, 892 F.2d 15, 16 (2d Cir. 1989)). This rule applies to pro se parties so long as the magistrate's report "explicitly states that failure to object to the report within [fourteen (14)] days will preclude appellate review..." Small, 892 F.2d at 16.

Despite being advised of the procedure for filing objections in Judge Francis' Report, and warned that failure to file objections would waive objections and preclude appellate review, (Report at 2), no Party has filed objections to the Report.

Having reviewed the Report, and finding no clear error on the face of the record, see 28 U.S.C. § 636(b)(1)(B), it is hereby ORDERED AND ADJUDGED that the Report and Recommendation of United States Magistrate Judge James C. Francis, dated December 30, 2011, be and the same hereby is APPROVED, ADOPTED, and RATIFIED by the Court in its entirety. Plaintiff's Complaint is HEREBY DISMISSED, without prejudice.

SO ORDERED.

Dated: March 30, 2012
New York, New York

A handwritten signature in black ink that reads "Deborah A. Batts". The signature is written in a cursive style and is positioned above a horizontal line.

Deborah A. Batts
United States District Judge